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NORTH STAR GAS COMPANY d/b/a/ YEP ENERGY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NORTH STAR GAS COMPANY d/b/a YEP)
ENERGY, a Texas limited liability company,)

Plaintiff,

vs.

PACIFIC GAS AND ELECTRIC)
COMPANY, a California corporation,;)
ALBERT TORRES, an individual; BILL)
CHEN, an individual; TANISHA)
ROBINSON, an individual,)

Defendants.

Case No.: **15-CV-2575-HSG**

**STIPULATED REQUEST FOR AN
ENLARGEMENT OF TIME TO FILE
OPPOSITION AND REPLY BRIEFS
REGARDING DEFENDANTS' MOTION
TO DISMISS AND ~~PROPOSED~~
ORDER [RULE 6-2]**

Action Filed: June 9, 2015
Hearing Date: January 19, 2016
Hearing Time: 2:00 PM
Place: United States Courthouse
450 Golden Gate Avenue
Floor 19, Courtroom 10

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1 COMES NOW the Plaintiff, North Star Gas Company d/b/a YEP Energy by and through its
2 attorneys Holland & Knight, LLP and Defendants Pacific Gas and Electric Company, Albert
3 Torres, Bill Chen and Tanisha Robinson by and through their attorneys Paul Hastings, LLP and
4 hereby file their Stipulated Request for an Enlargement of Time to File Opposition and Reply Briefs
5 Regarding Defendants' Motion to Dismiss and state as follows:
6

7 On November 9, 2016, Defendants filed a Motion to Dismiss Plaintiff's claims for
8 Respondeat Superior and for violation of Section 2 of the Sherman Act. (Dkt. 60.)

9 Per Local Rule 7-3(a), Plaintiff's Brief in Opposition to this Motion is due by November 23,
10 2016.

11 Per Local Rule 7-3(c), Defendants' Reply Brief in Support of their Motion to Dismiss is due
12 seven days from the filing of Plaintiff's Opposition, and no later than November 30, 2016.

13 Pursuant to the Clerk's Notice dated November 10, 2016 (Dkt. 62), Defendants have re-
14 noticed the Motion to Dismiss for hearing on January 19, 2017. (Dkt. 67.)

15 Plaintiff and Defendants now file this stipulated request that the due dates for both the
16 Opposition and Reply briefs be enlarged as follows:
17

18 That Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss now be due
19 December 5, 2016; and
20

21 That Defendants' Reply in Support of their Motion to Dismiss now be due December 22,
22 2016.

23 Both enlargements are sought in advance of the expiration of either filing deadline.

24 Neither enlargement will change the schedule of case; nor will either change the hearing
25 date of January 19, 2016.
26
27

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Good cause exists for both enlargements because: (1) neither prejudices any of the parties or the Court; (2) neither requires resetting the hearing date; (3) both serve to maintain the thirty-five (35) day notice schedule contemplated by Local Rule 7-2(a); and (4) both grant the Court the same amount of time to review the briefing as is contemplated by that Rule.

Further, these jointly requested changes to the briefing schedule better comply with the Court's new hearing date and do not seek to change it.

The parties previously sought an extension of time to respond to the Complaint and to file a Brief in Opposition and Reply in regarding Defendants' Motion to Dismiss the Complaint. That request was granted (Dkts. 21-22.)

THEREFORE, pursuant to Local Rule 6-2(a), the parties respectfully file this stipulated request that Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss now be due December 5, 2016; and, that Defendants' Reply in Support of their Motion to Dismiss correspondingly now be due December 22, 2016. The declaration of Leah E. Capritta, required by Local Rule 6-2, is filed contemporaneously with this Motion.

Respectfully submitted,

Dated: November 17, 2016

By: /s/ Adam M. Reich

Adam M. Reich
Counsel for Defendants

Dated: November 17, 2016

By: /s/ Leah E. Capritta

Leah E. Capritta
Counsel for Plaintiff

ORDER

Good cause appearing therefor, IT IS HEREBY ORDERED THAT the Case Schedule is modified as follows:

Plaintiff's Brief in Opposition to Defendants' Motion to Dismiss is now due December 5, 2016.

Defendants' Reply in Support of their Motion to Dismiss is now due December 22, 2016.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/18/2016


The Honorable Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT JUDGE

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